

Remarks**I. Rejections under 35 USC§102**

At page 2, item 2 of the Office Action, the Examiner has rejected claims 1, 3-5, 7-9, 11, 12, 14, 16-18, 20-24, 31-34, 36, 37, 39 and 40 under 35 USC§102(e) as being anticipated by Parulski et al (US patent number 6,629,104, hereinafter referred to as "Parulski").

The Applicant has amended the subject matter of claim 6 into claim 1 and canceled claim 6. The subject matter of claim 15 has been amended into claim 11, and claim 15 has been canceled. The subject matter of claim 29 has been amended into claim 23, and claim 29 has been canceled. The subject matter of claim 38 has been amended into claim 33, and claim 38 has been canceled.

Accordingly, as the amended claims include subject matter not found in Parulski, the Applicant requests that the Examiner withdraw the rejection.

II. Rejections under 35 USC§103

At page 11, item 4 of the Office Action, claims 6, 15, 19, 29, and 38 are rejected under 35 USC 103(a) as being unpatentable over Parulski in view of Wong et al. (US published patent application 2004/0168118, hereinafter referred to as "Wong"). The Applicants respectfully traverse this rejection because the Parulski and Wong references teach away from each other.

In Parulski, a method for adding personalized metadata to a collection of digital images is disclosed. In the Abstract of Parulski, "a database of pre-assigned metadata labels useful for classifying future images" is discussed. Throughout the entirety of Parulski, the objective appears to be the pre-assignment of metadata labels that can be applied to future images captured using an image capture device.

In Wong, an interactive media frame display is disclosed. In the Abstract of Wong, Wong asserts "the invention involves pulling desired media items from one or more host locations to view and/or edit them on a remote interactive media display". Throughout Wong, there is no mention of the "pre-assignment" of metadata to

images captured at some future time. After a careful reading of Wong, the Applicant finds no reference of any assignment of a metadata *prior to the capture of any image*. Further, at paragraph 10 of Wong, metadata is defined as being either "intrinsic metadata (e.g., creation date, content type, size, modification date...) and can be extracted from and associated with the media item. Extrinsic metadata can be generated at least in part by user instructions as well as by an analysis of the media items via pattern recognition, speech recognition, content analysis, face detection and the like."


Thus, *the metadata used by Wong requires media items to already be present*. This is to say that metadata is assigned to media items *after the media items have been captured*. The assignment of metadata to media items *after the capture of the media item defeats the essential purpose of Parulski* whose purpose is to pre-assign metadata labels for the classifying of future images.

Accordingly, as Parulski and Wong teach away from each other, the Applicant respectfully requests that the Examiner withdraw all rejections to the amended claims and pass this application onto allowance.

III. Additional Fees

It is not believed that additional fees are due at this time; however, if any additional fee is required in connection with the filing of this Amendment, please charge the fee to Deposit Account No. 08-2025.

Respectfully submitted,
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